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**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: GILBERT, Roland  
Serial No. 09/847,554  
Filed: 5/2/2001

Group Art Unit: 2683  
Examiner: TORRES, Marcos L.  
Dkt No: BAE13-US

For: METHOD AND APPARATUS FOR USING RF-ACTIVATED MEMS SWITCHING ELEMENT

To: Mail Stop Non-Fee Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**24222**

CERTIFICATE OF FACSIMILE 37 CFR 1.8: I hereby certify that this paper is being transmitted by facsimile to the Commissioner for Patents and Trademarks to the attention of Examiner Marcos L. Torres at facsimile # 703-646-6554 and telephone # 703-305-1478 on the date shown below.

Date: 02/03/2004

[ Debra A. Stengel or  Neil F. Maloney Reg. #42,833]

Commissioner:

**RESUBMISSION OF RESPONSE TO NON-FINAL OFFICE ACTION**  
**Filed December 18, 2003**

Pursuant to a telephone conversation on February 3, 2004 between Examiner Marcos Torres, USPTO, and Debra Stengel, of Maine & Asmus, Applicant respectfully resubmits Response to Non-Final Office Action, originally timely filed on December 18, 2003 via facsimile. According to Examiner Torres the original Response to Non-Final Office Action has not been entered into the USPTO's electronic system and has not been matched to the case file. Therefore, he suggested this resubmission.

Applicant respectfully herein submits:

- 1) 12 pages Response to Non-Final Office Action, submitted December 18, 2003; and
- 2) 1 page Auto-Reply Facsimile Transmission, dated 12/18/2003, showing 12 pages fax received at USPTO;

[X] DEPOSIT ACCOUNT 500323 AUTHORIZATION - All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.

Respectfully submitted,



Scott J. Asmus, Reg. No. 42,269  
Neil F. Maloney, Reg. No. 42,833  
Andrew P. Cernota, Reg. No. 52,711  
Attorneys/Agents for Applicant

Cus. No. 24222  
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Info@maineandasmus.com

SENT BY: MAINE & ASMUS;

603886 4796;

FEB-3-04 2:06PM;

PAGE 15/15

TO: Auto-reply fax to 603886 4796 COMPANY:



## Auto-Reply Facsimile Transmission

TO:

Fax Sender at 603886 4796

Fax Information

Date Received:

12/18/2003 12:18:03 PM [Eastern Standard Time]

Total Pages:

12 (including cover page)

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Received  
Cover  
Page  
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SENT BY: MAINE & ASMUS;	603886 4796;	DEC-18-03 12:28PM;	PAGE 1
Appl. No. 09/847,554 Am. Dated December 16, 2003 Reply to Office Action of September 12, 2003			
<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.</b>			
In re Application of:	GILBERT, Roland	Group Art Unit:	2683
Serial No.	09/847,554	Examiner:	TORRES, Marcos L.
Filed:	5/2/2001	Def. No.:	BAEIJ-US
For: METHOD AND APPARATUS FOR USING RF-ACTIVATED MEMS SWITCHING ELEMENT			
To:	Mail Stop Non-Tee Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450	From:	24222
CERTIFICATE OF FACSIMILE (37 CFR 1.8): I hereby certify that this paper is being transmitted by facsimile to the Commissioner for Patents and Trademarks to the attention of Examiner Marcos L. TORRES at facsimile # 202-6872-5204, and telephone # 703-305-1428, on the date shown below. <u>Daniel A. Stengel</u> Date: <u>12/18/2003</u> <u>12/18/2003</u> <u>12/18/2003</u> <u>12/18/2003</u>			
Commissioner.			
AMENDMENT A.			
In response to the Office Action dated 09/23/2003, the Applicant has timely enclosed herein: <u>12</u> pages of amendments and remarks.			
Amendments to the Specification are reflected in the corresponding section, which begins on page <u>1</u> of this paper.			
Amendments to the Claims are reflected in the corresponding section, which begins on page <u>1</u> of this paper, and include a complete claim listing (less the cancelled claims).			
Remarks begin on page <u>7</u> of this paper.			
DEPOSITOR ACCOUNT 190139 AUTHORIZATION - The Office is hereby authorized to charge the required fee, and any deficiency or credit any overpayment in the fees to the above deposit account, owned by BAR SYSTEMS Information and Electronic Systems Integration Inc., an authorized signator for which is Kevin M. Perkins V.P. & Company Counsel, and for whom the undersigned are authorized agents.			
1 of 17			
PAGE 15/15 * RCV'D AT 12/18/2003 12:18:03 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729314 * CSID:603886 4796 * DURATION (mm:ss):04:36			

SENT BY: MAINE & ASMUS;

603886 4796;

FEB-3-04 2:02PM; PAGE 3

Appl. No. 09/847,554  
Amtd. Dated December 18, 2003  
Reply to Office Action of September 25, 2003

FEB 03 2004

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BAE  
CBP  
BAE13-US  
RCVD:  
12/18/03  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GILBERT, Roland

Group Art Unit: 2683

Serial No. 09/847,554

Examiner: TORRES, Marcos L.

Filed: 5/2/2001

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To: Mail Stop Non-Fee Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

From:

24222

CERTIFICATE OF FACSIMILE 37 CFR 1.8: I hereby certify that this paper is being transmitted by facsimile to the Commissioner for Patents and Trademarks to the attention of Examiner Marcos L. Torres at facsimile # 703-872-9306 and telephone # 703-305-1478 on the date shown below.

Date: 12/18/2003

MDebra A. Stengel or JNeil F. Maloney Reg. #42,839

Commissioner:

AMENDMENT A

In response to the Office Action dated 09/25/2003, the Applicant has timely enclosed herein: 12 pages of amendments and remarks.

Amendments to the Specification are reflected in the corresponding section, which begins on page 2 of this paper.

Amendments to the Claims are reflected in the corresponding section, which begins on page 3 of this paper, and include a complete claim listing (less the cancelled claims).

Remarks begin on page 7 of this paper.

DEPOSIT ACCOUNT 190130 AUTHORIZATION – The Office is hereby authorized to charge the required fee, and any deficiency or credit any overpayment in the fees to the above deposit account, owned by BAE SYSTEMS Information and Electronic Systems Integration Inc. an authorized signator for which is Kevin M. Perkins, V.P. & Company Counsel, and for whom the undersigned are authorized agents.